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REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
January 13, 2015

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Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, January 13, 2015

BOARD MEMBERS

- Brent Ferrell, Chairperson
- Cindy Gronachan, Secretary
- Linda Krieger
- Rickie Ibe
- Matthew Mosteiko

ALSO PRESENT: Charles Boulard, Building Official
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.

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Tuesday, January 12, 2015
7:00 p.m.
** ** **

CHAIRPERSON FERRELL: Welcome to the January 12, 2015 regular meeting of the City of Novi ZBA.

Will you please rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON FERRELL:

Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Here.

MS. PAWLOWSKI: Member Sanghvi is absent, excused.

Member Mosteiko?

MR. MOSTEIKO: Here.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Here.

Next I just want to advise everybody this is a public hearing. The format and rules of conduct are in the back of the room, if anybody would like to get a copy of those.

Now onto approval of the agenda.

Is there any additions or subtractions?

MS. PAWLOWSKI: No.

CHAIRPERSON FERRELL: Nothing added or changed on the agenda?

MS. PAWLOWSKI: No.

CHAIRPERSON FERRELL: So I hear a motion?

MS. GRONACHAN: So moved.

MR. IBE: Second.

CHAIRPERSON FERRELL: A motion and a second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing

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none, we have an agenda.

Now onto the minutes.

Approval of the November 18th, 2014 minutes.

4 Any changes or additions to that?
5 MS. GRONACHAN: I move to
6 approve.
7 MR. IBE: Second.
8 CHAIRPERSON FERRELL: Motion and
9 a second. All in favor say aye.
10 THE BOARD: Aye.
11 CHAIRPERSON FERRELL: Any
12 opposed?
13 (No audible responses.)
14 CHAIRPERSON FERRELL: Seeing
15 none, we have approval of the minutes.
16 Public remarks, so everybody
17 knows, you will be called up to the podium,
18 when your case is called, just come on up,
19 raise your right hand if you are not an
20 attorney and be sworn in by the secretary.
21 I ask also that everybody has
22 cellphones, turn them off the silence them
23 now, please.
24 Moving onto Case No. PZ
25 14-0052, Pinnacle Homes, 27661 Estrada Lane.
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1 We will move onto the next
2 case.
3 Onto Case No. PZ14-0058,
4 30001 Cabot Drive.
5 MS. GRONACHAN: Raise your right
6 hand. Are you both testifying this evening?
7 MR. DROLSHAGEN: Yes.
8 MS. GRONACHAN: Do you swear or
9 affirm to tell the truth in the matter before
10 you?
11 MR. DROLSHAGEN: I do.
12 MR. LIMING: I do.
13 MS. GRONACHAN: Would you please
14 state your names and spell them for the
15 secretary.
16 CHAIRPERSON FERRELL: It's Joe
17 Drolshagen, D-r-o-l-s-h-a-g-e-n, Northern
18 Equities Group.
19 MR. LIMING: Brian Liming,
20 L-i-m-i-n-g, Faudie Architecture.
21 MR. DROLSHAGEN: Thank you very
22 much. We are here to present an application
23 for a requested variance for our Harmon
24 Becker Automotive headquarters and research
25 facility that's going up at Thirteen Mile and
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1 M5. It's under construction right now.
2 We are requesting the
3 addition of this guardhouse that would be on
4 the east side of the facility along Cabot
5 Drive.

6 It's an 188,000 square foot
7 office research building. I believe there is
8 going to be about 700 employees, located at
9 this facility. Harmon has made a request to
10 add an elevated measure of security for the
11 facility. There are a number of concerns
12 that Harmon has.

13 Number one, employee safety.
14 Not that Novi has a high crime rate, but they
15 want to insure that employees, especially
16 when there is that many, in this size of lot,
17 16.5 acres have that increased level.

18 Number two, there is also
19 some concerns about competitors in the area,
20 perhaps getting in and out of the facility.

21 So to have this outpost has a
22 very visible security measure that they think
23 will help with this particular facility.

24 The unique part about this is
25 this is a very large facility. Harmon right

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1 now has about 135,000 square feet in the
2 three buildings in Novi and they are
3 increasing it to 188.

4 So it's a very visible
5 facility, very headline grabbing facility,
6 and this particular out parcel is on the
7 parcel, it's at the entrance, it's 450 square
8 feet and we are asking approval to put that
9 there.

10 It will be similar, but not
11 quite as high intense of security as the ITC
12 building guardhouse that is currently at
13 Twelve Mile Road at the ITC facility.

14 CHAIRPERSON FERRELL: Is that it?

15 MR. DROLSHAGEN: Open for
16 questions.

17 CHAIRPERSON FERRELL: Anybody in
18 the audience have any questions or comments
19 pertaining to this case?

20 (No audible responses.)

21 CHAIRPERSON FERRELL: Seeing
22 nothing, anything from the city?

23 MR. BOULARD: Not a lot -- not a
24 lot to add, except that being that this
25 facility is -- faces M5, faces Thirteen Mile

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1 and faces Cabot, this is probably the least
2 obtrusive place to provide the security. But
3 it is a unique situation. And obviously
4 being a research and development facility,
5 there are some security concerns, so -- and
6 the fact that the location and the number of
7 people and work that goes on there, I think

8 makes this pretty unique. So I would support
9 the variance.

10 CHAIRPERSON FERRELL: Thank you.
11 Any correspondence?

12 MS. GRONACHAN: Mr. Chair, there
13 were four letters mailed, one return mail, no
14 approvals, no objections.

15 CHAIRPERSON FERRELL: Open it up
16 to the board for discussion.

17 MS. KRIEGER: I have a question.
18 Just to clarify, the guardhouse was going to
19 be on Thirteen Mile or Cabot Drive?

20 MR. LIMING: That would be on
21 Cabot Drive.

22 MS. KRIEGER: So there would be
23 no question about easements for the roads.

24 MR. LIMING: No.

25 MS. KRIEGER: Then considering

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1 I've seen guardhouses for checking in
2 visitors and employees, so I agree with what
3 I have seen so far.

4 I have no other questions
5 right now. Thank you.

6 MR. MOSTEIKO: Just some of the
7 logistics, are architectural questions here.

8 There is a restroom planned
9 to be in there, as far as plumbing and
10 sewage, is that going to be any issue with
11 the location being so far removed from the
12 main building?

13 MR. LIMING: No, it's planned to
14 have a unisex one in the room, a drinking
15 fountain.

16 MR. DROLSHAGEN: Full sewer, full
17 water.

18 MR. MOSTEIKO: Secondly, on the
19 illustration here, there is not really a
20 gate, you know, to stop a vehicle if they
21 were -- you know, rushing down the driveway.

22 Is that going to be something
23 planned or is that just --

24 MR. DROLSHAGEN: I don't think
25 they have planned that elevated level of

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1 security at this point in time. It's more of
2 a visible presence there versus the stopping
3 and starting of cars going in and out, as far
4 as I can see.

5 MR. MOSTEIKO: That's all the
6 questions I have.

7 CHAIRPERSON FERRELL: Anybody
8 else?

9 MR. IBE: I have a question. In

10 light of Member Matt's comment, you really
11 call this a guardhouse? This is more like a
12 visitor center because a guardhouse is
13 something that actually protects. This
14 doesn't look like it protects anything. It's
15 wide open. I can walk around it. I can bike
16 around it. I can drive around it.

17 I mean, you are not going to
18 have someone standing in front of the road
19 saying, hey, stop when you pull up or
20 something.

21 Is this really a guardhouse
22 is it more for visitor receptionist center
23 when you first walk in, they can tell you
24 where to go around the place? Because it
25 doesn't look like a guardhouse to me.

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1 MR. DROLSHAGEN: I completely
2 agree with the sentiment that it doesn't look
3 like a guardhouse.

4 They were trying to try to
5 scale down that angle of this.

6 They will have a complete
7 visitors center within the facility itself.
8 This is more for -- if we were to go all out
9 and put a gate up there and have the stop and
10 start that ITC had, I think that would be
11 overkill at this point. I don't think we
12 will be going to ZBA for that type of
13 facility in the future.

14 MR. IBE: Very well. Thank you.

15 MS. GRONACHAN: I concur with the
16 previous member's questions. I don't see the
17 purpose of it then if it's really not going
18 to control the flux of cars coming in. If
19 the concern and the purpose of the building
20 is for security, and the security -- it
21 doesn't look like it's security, and there is
22 not going to be a -- practice security level,
23 I guess is what I'm saying.

24 So I'm confused as to why the
25 building at all then.

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1 MR. DROLSHAGEN: I'm not sure if
2 they're going to have some kind of pass on
3 the car where they will let folks in, and
4 then stop anybody who doesn't have a pass.
5 I'm not with Harmon. I apologize. So I'm
6 not sure what their intention is in that
7 regard. I'm sure they will have something
8 along those lines, but there is not going to
9 be a gate.

10 MS. GRONACHAN: So can I either
11 ask one of you to address -- or answer the

12 question of security practices for the
13 company or what they intend --

14 MR. MOSTEIKO: Will there be an
15 armed guard or a man with a radio or what
16 type of elevation would be --

17 MR. LIMING: I can't really speak
18 on how much. I mean, there is a lot of card
19 access once you get to the building you're
20 limited, once you're in the lobby to have to
21 card access to get to the different areas.

22 I don't think -- there is not
23 a guard or armed guard though on staff. But
24 they do have security officers or security
25 personnel, I should say.

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1 MR. DROLSHAGEN: Their
2 procedures, if you want to see a copy of
3 those, we can ask Harmon for them and get you
4 a copy.

5 MS. GRONACHAN: My concern as a
6 member is that we are asking for a variance
7 for a building that I'm not sure what it is
8 going to be used for.

9 It's identified as security,
10 and my background, oddly enough, is security
11 and protection specialist and I didn't -- I
12 wasn't clear as to what this was going to
13 offer for this business.

14 And that's why the questions
15 and the -- it's not clear to me what steps
16 they are going to take. And if we grant this
17 variance, and these comments I am making for
18 the record, if we grant this variance, are
19 there going to be additional variances
20 requested later on down the road for a change
21 in this building, based on the level of
22 security.

23 And I would be more
24 comfortable if I knew that up front in making
25 my decision. That's all I have.

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1 CHAIRPERSON FERRELL: Yes?

2 MR. BOULARD: I'm not sure if I
3 can -- if I can shed any light on that.

4 My understanding of the
5 intention here is to provide a presence
6 there, where folks that might otherwise be
7 tempted to kind of, you know, come in and
8 sneak around or visit uninvited would have
9 one more to think about. And you know,
10 it's -- I don't picture armed guards, but I
11 picture someone who is -- who is there, who
12 is observing things, who is aware of what's
13 going on, and provide a distance for folks to

14 enter, and if someone does enter, who can
15 then martial the appropriate response.
16 So I think it's a
17 disincentive for folks to come in, at least
18 that's my understanding of the intention.
19 MS. GRONACHAN: Thank you. So
20 far as you know, there is going to be
21 somebody in the building most of the time.
22 MR. BOULARD: Yes.
23 MS. GRONACHAN: To do some sort
24 of direction. It's not just going to be a
25 building empty and used maybe two hours a day

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1 or something like that?
2 MR. BOULARD: No.
3 MS. GRONACHAN: I would like that
4 on the record. Okay, thank you.
5 MR. IBE: One more, Mr. Chair.
6 I understand -- I have
7 reviewed the plan review report.
8 You know, when I get
9 presented with something and it tells me that
10 it is a guardhouse, I'm not an English
11 language specialist, but I do know what a
12 guardhouse means. I have seen one. I know
13 what it looks like.
14 This obviously is serving the
15 purpose, that's what it says. But everything
16 around it doesn't tell me it's a guardhouse.
17 Part of the requirements that
18 we are to consider in approving this is
19 whether or not something is self-created, you
20 know, if it is self-created.
21 Now, this here looks to me to
22 be more esthetic view than is put in there.
23 It makes it looks nice when you drive up
24 there. That's just what it is to me, it's
25 not a guardhouse. I'm having a problem

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1 understanding why you're going to have the
2 guardhouse without any meaningful way of
3 securing the place, if security is a concern,
4 which is what I heard you say, security,
5 because of the location and competitors, all
6 of that.
7 It's just -- I can just drive
8 through. I mean, somebody is not going to
9 stand there and say, hey, stop. If there was
10 something that goes up and goes down and
11 someone is there, then it qualifies as a
12 guardhouse.

13 A guardhouse is where someone
14 mounts, sits in there, lets you in, and lets
15 you out. That's what a guardhouse is.

16 A building that sits by
17 itself, stationary in the middle of the two
18 lanes -- of a two lane road, someone sits in
19 the room, you call that a guardhouse, I'm
20 thinking that that is really stretching it in
21 terms of if that's what the guardhouse is.

22 Now, if this is a guardhouse,
23 then perhaps what I see at the ITC, it must
24 be a penthouse.

25 I am not feeling very

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1 comfortable, just by the plan report that
2 this house, this particular building here is
3 not self-created. I think it's a
4 self-created issue, and I'm not really
5 feeling comfortable approving it, as much as
6 I want to because of the way you presented
7 it. You present it as guardhouse to me. If
8 you present it as a visitor welcome center, I
9 can understand that. That's what it looks
10 like to me.

11 Then perhaps, yes, I
12 understand that, I will vote for it, if
13 that's what you call it.

14 But you call it a guardhouse,
15 it's not one. I just don't buy it. Thank
16 you.

17 MR. MOSTEIKO: I'm going to play
18 a little bit of defense on their part, and
19 based off of what Charles said earlier, if
20 you have a motivated enough criminal, they're
21 going to do whatever it takes to get to what
22 they want to do.

23 I think just by having a
24 presence there, it will dissuade people from,
25 you know, loitering or violating the law to

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1 some extent.

2 I work in government, secure
3 buildings and there is no guardhouse, there
4 is nothing to stop somebody from walking up
5 to the front door. When you do get these
6 visitors that we would may have otherwise
7 have had, if we had some sort of, you know,
8 earlier measure as far as just somebody there
9 saying, hey, can I help you, what do you
10 need, are you a visitor.

11 So I still think that it
12 would help as far as security.

13 CHAIRPERSON FERRELL: Entertain a
14 motion?

15 MS. KRIEGER: Would you like to
16 table it and then see if somebody from Harmon
17 would like to put their knowledge of this

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towards this as well?

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MR. DROLSHAGEN: If the general consensus in front of us is that it would be denied otherwise, I think I would prefer that.

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Again, I'm not fully aware of all of their -- I came -- Brian Hughes is the person who is in charge of this particular

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project. I came out of the back gate. I'm covering unfortunately poorly for Brian tonight. So I think that if we table it, and come back -- when is the next meeting, Charles?

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MR. BOULARD: Second Tuesday of February. I don't have an exact date, but yes.

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MR. DROLSHAGEN: The one thing I'm concerned about is that in order to construct this, we are putting in sewer facilities currently, so it may be too late to put in those facilities if we don't get approval.

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So, you know, we are not spending that kind of money to have a building that's just there for looks. It's there for Harmon and for their security purposes and checking people going in and out.

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MS. KRIEGER: I guess also I can understand it, my father worked for General Motors in the Warren tech center, and they did have a little guard center. But they did have the arm that went up and down. They

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didn't have the facility including a bathroom because you could see all the way around with all the glass.

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So I guess that's the only thing I question is that like ITC -- or even going to work myself, if we go in a certain parking lot, there is an arm that you can do badge entry, or if there is someone sitting there saying, okay, who are you looking for, where are you going.

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MR. DROLSHAGEN: If I'm not mistaken, that would entail a whole different set of variances, traffic reports and -- the traffic flow in and out of this parking lot.

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MR. BOULARD: I guess I'm not sure if it's a matter of, you know, definitions. I agree that typically guardhouses, you know, there is various levels of guardhouses from gates that come

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20 down overhead, to, you know, the guardhouse
21 outside of Cedar Point, or something like
22 that in their parking.

23 I'm not sure if -- I guess I
24 want to take a step back and say, a company
25 that's coming here and has a facility wants

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1 to have what they're calling a guardhouse on
2 the front.

3 I'm sure that if you're a
4 visitor and you pull up, it will in some --
5 just like anyplace with security, if you pull
6 up, you're a visitor, and you say, I'm here
7 to see so-and-so, they would probably guide
8 you to where you're supposed to go.

9 I think the important thing
10 is, you know, is this -- this business is --
11 they have decided that it's important enough
12 to them and critical enough to their mission
13 to spend a fair amount of money to run
14 utilities to this, to have people there 24
15 hours a day.

16 I think they feel that it's
17 very important that there is a presence.

18 This is clearly -- this is
19 before you because it's in the front yard.
20 There is three front yards to this property.
21 This is -- I think being on Cabot as opposed
22 to M5 or Thirteen Mile, this is the spot. If
23 you're going to have something in the front
24 yard and it seems to me that in the scheme of
25 things, and the property being as unique

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1 enough in terms of the use, the size, the
2 scope, and what goes on there, to warrant it,
3 whether it's a guardhouse, per se, whether in
4 some sense it's used as a visitor center
5 thing. That's just my two cents worth.

6 CHAIRPERSON FERRELL: Thank you.

7 MS. GRONACHAN: I have a question
8 for Mr. Boulard. Thank you for that
9 clarification.

10 Basically, that's really what
11 I was looking for and you answered the
12 question. That it will be 24 hour security?

13 MR. DROLSHAGEN: Yes.

14 MS. GRONACHAN: I am 90 percent
15 in favor. I just want to make sure that we
16 have it duly noted as to what the building is
17 for, how it's going to be used, and if you
18 choose not to have a gate there, I get that.

19 But I'm just trying to cover
20 all bases here. So you have my support. I'm
21 not going to make you go back to the drawing

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board.

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But now I have to concur with my other members of the board.

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MR. DROLSHAGEN: I think that in

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light of the fact you we won't be able to put in the sewer system if we don't get this approved tonight, then I think we should go ahead with any motion that you have.

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CHAIRPERSON FERRELL: My question I guess is for the city. So if the proposal is a security building, say some day they say, well, we don't want this as a security building anymore, they want to use it as, you know, selling fast food out of it.

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MR. BOULARD: That would be a change of use that not would be consistent with the site plan.

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CHAIRPERSON FERRELL: What would they have to do with the building, either just stop using it for that purpose or the building, have it deconstructed? How does that work?

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MR. BOULARD: The building, just like any other building, if they moved out, they wouldn't need to maintain it, if they no longer occupied it.

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But this is -- there is a site plan that's moving through that deals with this and some other issues, additional

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parking, I believe. And this is a part of that, the zoning ordinance doesn't allow accessory buildings in the front yard, whatever we call this, if it's an accessory building in the front yard. But that's why it's here. And your approval would be required for the site plan to go forward. However, the site plan is going to say, yes, this is a building, this is basically what it's for, it's not fast food, it's not Starbucks. You know, none of that. Besides the fact that if they had what was Starbucks (unintelligible).

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CHAIRPERSON FERRELL: Okay. Thank you. Any other questions or discussion?

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MS. KRIEGER: Yes. Is there going to be a camera there as well?

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MR. DROLSHAGEN: Harmon has elevated levels of surveillance, there will be cameras everywhere around that facility.

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MS. KRIEGER: Because I drove by and I saw the foundation work. It looks like

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they're putting an extensive amount of material into it, so the extent of their

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electronics, I guess is what I was wondering.
MR. DROLSHAGEN: Yes.
MS. KRIEGER: That's it. Thanks.
CHAIRPERSON FERRELL: Motion?
MS. GRONACHAN: I can make that motion.

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In Case No. PZ14-0058, I move that the request for a variance for the 450 square foot guardhouse located at Cabot Drive entrance, front yard, for security reasons be approved.

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The guardhouse is a stand-alone building, and as presented by the petitioner, serves for this overall planned building and the business of Harmon. There are unique circumstances and physical conditions of the property, such as topography and similar physical conditions, and the need for the variance is not due to the applicant's personal or economic difficulty.

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The need is not self-created as stated in the testimony by the petitioner. Strict compliance with regulation governing area, setback, frontage, height, bulk,

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density, and other dimensions, requirements will unreasonably prevent the property owner from using the property for a permitted purpose and will render conformity with those regulations.

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The restricted variance is the minimum variance necessary to do substantial justice, as stated again in the testimony given by the petitioner as well as to the other property owners in district.

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The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district, will not be adversely effected. That's all I have.

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MR. MOSTEIKO: Second.
CHAIRPERSON FERRELL: A motion and a second, any further discussion?
(No audible responses.)

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CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call roll, please.

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MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.

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1 MS. PAWLOWSKI: Member Ibe?
2 MR. IBE: No.
3 MS. PAWLOWSKI: Member Krieger?
4 MS. KRIEGER: Yes.
5 MS. PAWLOWSKI: Member Mosteiko?
6 MR. MOSTEIKO: Yes.
7 MS. PAWLOWSKI: Chairperson
8 Ferrell?
9 CHAIRPERSON FERRELL: Yes.
10 MS. PAWLOWSKI: Motion passes
11 four to one.
12 MR. DROLSHAGEN: Thank you all.
13 CHAIRPERSON FERRELL: Moving onto
14 Case No. 14-0059, Lots 14 and 70, parcel
15 50-22-20-200-002.
16 Please raise your right hand
17 and be sworn in by the secretary.
18 Please state and spell your
19 name for the reporter.
20 MR. SEIBER: My name is Cliff
21 Seiber, S-e-i-b-e-r.
22 MS. GRONACHAN: Mr. Seiber, do
23 you swear or affirm to tell the truth in the
24 matter before you?
25 MR. SEIBER: I do.

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1 MS. GRONACHAN: Thank you.
2 MR. SEIBER: I'm here before you
3 representing Singh Development. Back in
4 November we received an approval for the
5 Overland site condominium project on Eleven
6 Mile Road, that approved 70 site condominium
7 units.
8 Included in that were two
9 lots that required an addition or an increase
10 in front yard setback in order to meet the
11 width requirement.
12 Under this option, the
13 preservation option, the width required for
14 those lots is 71.4 feet. If you have that --
15 one of those sketches in front of you, I'm
16 looking at lot 14, and you can see if we
17 increase the front yard setback from 30 feet
18 to 52.62 feet, we achieve the 72.52 feet of
19 width for that unit.
20 And as I indicated, the
21 minimum width for this project is 71.4 feet.
22 So therefore, I'm asking for unit, 14 that
23 the front yard setback be increased from the
24 30 feet to the 52.62 feet.
25 And the reason for that is if

0030

1 we were unable to acquire a variance for

2 that, for increasing that front yard setback
3 it would push the lot farther, I guess, to
4 the east and require -- result in some
5 additional wetland fill.

6 So we would either go back to
7 the planning commission and ask for a
8 variance to allow wetland on a lot, which the
9 ordinance does not permit wetlands on lots,
10 so we would need a variance for that. Or we
11 would go back and simply ask for a little bit
12 of wetland fill, which would be several
13 hundred feet, square feet of wetland fill.

14 In the case of lot 70, it's a
15 similar situation. We achieve -- at the
16 increase front yard setback we achieve the
17 lot width requirement of 72 feet, and in
18 order to achieve that, we are required to
19 provide a front yard setback of 70.18 feet as
20 opposed to the minimum under the ordinance of
21 30 feet.

22 And as you can see, right
23 adjacent to lot 70 is the Novi line drain and
24 if we increased that -- the width of the lot
25 along the road right-of-way, it would push

0031 that into that Novi line drain.

1 So that's the hardship that
2 that circumstance presents.

3 So in both cases we are
4 asking for an in the front yard setback.

5 CHAIRPERSON FERRELL: Thank you.
6 Anybody in the audience have any questions or
7 comments pertaining to this case?

8 (No audible responses.)

9 CHAIRPERSON FERRELL: Seeing
10 none, anything from the city?

11 MR. BOULARD: Nothing to add.

12 CHAIRPERSON FERRELL: Any
13 correspondence?

14 MS. GRONACHAN: There were 12
15 letters mailed, one objection. The objection
16 is from Greg Gallo, 48000 Eleven Mile.
17 Unclear as to the location and nature of this
18 proposal. Is this to be a housing project?
19 That's all for correspondence.

20 CHAIRPERSON FERRELL: Open it up
21 to the board for discussion.

22 MR. MOSTEIKO: I'm just noticing
23 that some of the wetlands on some of the
24 plots here, as far as them being so close to

0032 the property line, how much of an issue as
1 far as being near a flood plane or any of
2 those type of issues. How much of an issue
3

4 is that as far as construction goes, with it
5 being so close to the wetland line?

6 MR. SEIBER: There is really no
7 issue with construction with that being --
8 the wetland being right on the lot line in
9 some cases. It's just that we have to be a
10 little more careful about sloping, you know,
11 if there is a -- depending what the grade
12 situation looks like, maybe we will need a
13 retaining wall or a steeper slope coming up
14 from the edge of the property line up to the
15 house.

16 So we will have to take care
17 as far as grading treatment how that is
18 handled, so as not to encroach into the
19 wetland.

20 CHAIRPERSON FERRELL: Anybody
21 else?

22 MS. KRIEGER: They will have sump
23 pumps?

24 MR. SEIBER: Yes, all houses will
25 have a sump pump. There are storm sewers

0033

1 provided to receive the flow from the sump
2 pumps.

3 MR. MOSTEIKO: Is there any
4 other -- like similar placements of this Novi
5 line drain, as far as, you know, we get six
6 inches of rain in a 24 hour period, what type
7 of flooding concerns will that create, you
8 know, historically along that drain line?

9 MR. SEIBER: Actually there is an
10 established 100 year flood plane. We are
11 staying out of that. Actually there is a
12 phase, the second phase of the Overland
13 project does have -- it doesn't involve these
14 two lots, but it does involve some flood
15 plane fill. And we will be required, in
16 order to achieve -- require our final site
17 plan approval, we will need to submit to the
18 Michigan Department of Environmental Quality
19 for that flood plane fill and also have a
20 geotechnical study, hydraulic study done to
21 make sure there is no impact to basements
22 with the -- related to the flood plane fill.

23 MR. MOSTEIKO: Okay.

24 CHAIRPERSON FERRELL: Anybody
25 else?

0034

1 MS. GRONACHAN: Mr. Chair, I
2 noticed in the planning review that it's
3 stated that this petitioner is going to be
4 proposing woodland replacement, tree
5 plantings offsite at the northwest corner of

6 Eight Mile and Garfield Road.
7 I just want it on the record,
8 although I have no financial interest or
9 financial gain from this, I did work on the
10 Garfield Road mitigation wetland project for
11 11 years. And I just want it on the record.
12 I have no gain or other interest in this
13 case.

14 CHAIRPERSON FERRELL: Question
15 for the city. Is this something that she
16 should not vote on?

17 MS. SAARELA: We don't see any
18 conflict.

19 CHAIRPERSON FERRELL: Thank you.

20 MS. GRONACHAN: Thank you.

21 CHAIRPERSON FERRELL: Any other
22 questions?

23 MS. GRONACHAN: I have a question
24 for the petitioner.

25 On these two -- are these the

0035

1 only two sites that you had everything else
2 pretty much fit into what was required?

3 MR. SEIBER: Yes, everything --
4 all the other lots had the 72 feet minimum
5 width and met the minimum area requirement.
6 As these lots will, if we receive increase
7 the setback.

8 MS. GRONACHAN: Yes, thank you.
9 So it is the minimum requirement that you're
10 asking for, this is a minimum variance?

11 MR. SEIBER: Yes.

12 MS. GRONACHAN: There are other
13 things that you guys could have done, but
14 didn't, is my point.

15 MR. SEIBER: That is correct.

16 MS. GRONACHAN: You went very --
17 you scaled it down quite a bit. We
18 appreciate that.

19 MR. SEIBER: Yes.

20 MS. GRONACHAN: Thank you. I
21 don't have any other questions.

22 CHAIRPERSON FERRELL: Anybody
23 else? Ready for a motion.

24 MS. KRIEGER: Question. I'm
25 sorry. Back on the ordinance requirements,

0036

1 there is two highlighted areas. And do we
2 have to put it in our approval or -- that the
3 applicant shall provide a conservation
4 easement this area as well as other
5 qualifying permanent open space for the final
6 site plan submittal?

7 MS. SAARELA: No, that would be

8 handled at the planning commission level.
9 It's not really your concern.
10 MS. KRIEGER: Thank you.
11 MR. IBE: Mr. Chair, I will go
12 ahead.
13 Thank you, Mr. Chair. In
14 Case No. PZ14-0059, I move that we grant the
15 applicant's request as requested for the
16 following reasons.

17 One, there are unique
18 circumstances or physical conditions of the
19 property itself, such as narrowness,
20 shallowness and topography and physical
21 conditions that warrants this variance. And
22 that not granting the variance will make it
23 bothersome to accomplish the goal of the
24 applicant.

25 Second, the need is not
0037 self-created, as has been stated already by
1 the applicant's representative, the physical
2 condition of the land itself, it's such that
3 only two of the parcels are really what is at
4 issue here.

5 They have gone to great
6 length to mitigate what it can do to comply
7 with what is required under the ordinance,
8 and this is best and the only remedy that can
9 allow them to move forward.

10 Furthermore, the requested
11 variance is the minimum variance that is
12 necessary to do substantial justice to the
13 applicant as well as allow them to accomplish
14 the goal that has been set out here.

15 And lastly, the requested
16 variance will not cause an adverse impact on
17 surrounding properties. In fact, developing
18 this particular place will enhance that
19 corridor there of Eleven Mile and Wixom area,
20 considering the fact that there really is not
21 much going on in that area right now.

22 So this will help to enhance
23 the property values in the area, and based on
24 all of this, and based on the presentation

0038 made by the applicant, as well as the
1 comments that has been suggested by the
2 members, I move that we grant the request.

3 MR. MOSTEIKO: Second.
4 CHAIRPERSON FERRELL: Motion and
5 a second. Any further discussion?

6 (No audible responses.)

7 CHAIRPERSON FERRELL: Ms.
8 Pawlowski, can you call the roll, please.
9

10 MS. PAWLOWSKI: Member Gronachan?
11 MS. GRONACHAN: Yes.
12 MS. PAWLOWSKI: Member Ibe?
13 MR. IBE: Yes.
14 MS. PAWLOWSKI: Member Krieger?
15 MS. KRIEGER: Yes.
16 MS. PAWLOWSKI: Member Mosteiko?
17 MR. MOSTEIKO: Yes.
18 MS. PAWLOWSKI: Chairperson

19 Ferrell?

20 CHAIRPERSON FERRELL: Yes.

21 MS. PAWLOWSKI: Motion passes
22 five to zero.

23 MR. SEIBER: Thank you very much.

24 CHAIRPERSON FERRELL: Moving onto
25 Case No. PZ14-0061, 22399 Bridle Run.

0039

1 MS. GRONACHAN: Do you swear or
2 affirm to tell the truth in the matter before
3 you?

4 MR. WINDINGLAND: Yes, I do.

5 MS. GRONACHAN: Would you please
6 state your name and spell it for the
7 secretary.

8 MR. WINDINGLAND: I'm Greg
9 Windingland, W-i-n-d-i-n-g-l-a-n-d. I'm with
10 Cranbrook Custom Homes here representing the
11 owners, Mr. and Mrs. DiPonio, who are also
12 here in the audience.

13 May I approach and pass
14 something out? I have a handout.

15 CHAIRPERSON FERRELL: Yes.

16 MR. WINDINGLAND: Good evening.
17 Sorry about the delay in that.

18 We are requesting two
19 variances tonight. One is for the required
20 front yard setback, 45 feet is required. We
21 are asking for a reduction to 30.5 feet. The
22 other is from a combined sideyard setback
23 where 50 feet is required. We are asking for
24 a reduction of 1.42 feet. On the sideyard
25 setback we do meet both the minimum side

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1 yards, which are 20. We just don't meet the
2 combined overall, which is 50.

3 We're looking to propose to
4 build a home on the DiPonio's property, which
5 is shown on the submittal on a plot plan. It
6 may be easier to see on the handout that I
7 provided.

8 And if I could, on the image
9 to the left, where it shows with variance the
10 residence location.

11 If you will see the unit to

12 the south is unit 90, to the north is unit
13 88. Obviously we're 89, we're showing where
14 the two existing homes are, and we provided
15 and extend dotted lines showing the
16 30.50 feet that we're requesting and how that
17 would line up and maintain that uniformity
18 along the front street.

19 If you also look at the back
20 of the lot, you will see that more than
21 50 percent of the lot is encumbered by a
22 combination of a tree preservation as well as
23 a Woodland setback easement.

24 So even though it's over one
25 acre in size, more than 50 percent of it is

0041

1 encumbered with tree conservation.
2 Ironically if this was just 3 percent
3 smaller, it would fall under an acre and it
4 would not need any ordinances here tonight.
5 So I hope that is something that you will
6 consider, if you will see the size of the
7 home that we are looking to construct, it is
8 in keeping with the character of Mayberry
9 Park, which is a very nice upscale community
10 in the City of Novi.

11 We are looking to keep within
12 that character. The DiPonios currently live
13 in Livonia, they are very anxious about
14 living in Novi. We would like to build this
15 house for them. On the right side of the
16 page, is the house without the variance. And
17 you will see what the lineae that's proposed
18 how close to the Woodland setback that we
19 would get. There is probably a few trees
20 that would need to come out to provide a
21 little bit of screening prior to getting into
22 any of the regulated setbacks.

23 If we can obtain the
24 variance, then we can preserve some
25 additional trees that would probably

0042

1 otherwise be removed.

2 On the sideyard setback
3 variance that we're requesting, again, we
4 complied with the individual sideyard
5 setbacks of 20 feet each. We do not comply
6 with the overall, which is 50 feet, the
7 combined and we're 1.42 feet short of that.
8 Shifting the house laterally we could get
9 25.0 feet, but then it increases the other
10 one, so either way we need the 1.42 variance.

11 Again, with the depth of the
12 lot, if you see the garage orientations, we
13 were only able to accommodate a two-car side

14 entry garage. Again, that's because of the
15 Woodland preservation.

16 So adding the third car
17 garage on the side of it, is kind of what
18 caused the house to be a little wider than we
19 would otherwise have.

20 The second sheet that I
21 handed out is just an excerpt from the
22 Exhibit B documents, from the condominium
23 documents. It shows -- again, it shows the
24 conservation easement and the impact -- it
25 shows the impact on the lot itself, as far as

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1 proportionately. Highlighted is the size of
2 it, just over 44,000. Of course, if it was
3 43,560, it would be an acre. So we are very
4 close to that.

5 And then the final page, the
6 eight and a half by 11 is just a variance
7 that was granted for the lot to the south of
8 us, back in early 2013 for the front yard
9 setback.

10 So with that, I would be
11 prepared to answer any questions if I could.

12 CHAIRPERSON FERRELL: Anybody in
13 the audience have any comments pertaining to
14 this case?

15 (No audible responses.)

16 CHAIRPERSON FERRELL: Anything
17 from the city?

18 MR. BOULARD: Nothing to add. I
19 will standby for questions.

20 CHAIRPERSON FERRELL:

21 Correspondence?

22 MS. GRONACHAN: Mr. Chair, there
23 were 18 letters mailed, three returned, one
24 approval.

25 The approval is from Heather

0044
1 Schaefer, at 21416 Equestrian Trail. She
2 just has it marked approved. No comments.

3 CHAIRPERSON FERRELL: Open it up
4 to the board for discussion.

5 MR. IBE: Make a comment. I have
6 looked at this particular request, and I must
7 have to tell you, I have no absolutely
8 problem with it at all, and you have done
9 your homework pretty well. We approved
10 something similar to this for this same
11 subdivision in 2013. I remember that.

12 It's a very beautiful place
13 to live. And I think the only way for the
14 applicant, the DiPonios to be able to
15 construct an impressionable home is for us to

16 grant this variance because there is just no
17 other way unless they want to encroach upon
18 the conservation, which, of course, would
19 that take away from the beauty of the place
20 itself. So you have my vote.

21 MR. WINDINGLAND: Thank you.

22 MS. KRIEGER: I have a different
23 kind of question.

24 Are the DiPonios related to
25 the people that donated to the DiPonio

0045 building at Madonna University in Livonia?

1 AUDIENCE MEMBER: Yes, that's my
2 uncle.

3 MS. KRIEGER: Thank you. Neat.
4 That was it.

5 CHAIRPERSON FERRELL: Any other
6 questions? Entertain a motion?

7 MR. IBE: I will take it. Mr.
8 Chair, thank you so much.

9 In Case No. PZ14-0061, I move
10 that we grant the request as requested by the
11 applicant for the following reasons.

12 One, that there are unique
13 circumstances or physical conditions of the
14 property, such as narrowness, the
15 shallowness, the shape, the topography and
16 similar physical conditions. And that it's
17 needed for a variance, and that without this
18 variance, it would be difficult to have this
19 construction that the applicant intends to
20 do.

21 Second, the need is not
22 self-created. The applicant's representative
23 has clearly stated that the lot itself while
24 it's quite large, however, 50 percent or more

0046 of it, it's engulfed with conservation trees
1 and these are trees that obviously need to be
2 preserved and for the beautification of the
3 Mayberry subdivision itself as well as for
4 those of us who live in the city who love to
5 see beautiful environment.

6 So allowing the variance will
7 give them the opportunity to enjoy and
8 preserve the conservation as well as also
9 have a decent home.

10 Third, the requested variance
11 is the minimum variance that is necessary to
12 do substantial justice to the applicant as
13 well as the other property owners in the
14 district.

15 I must state that we have had
16 similar situation come before the Zoning
17

18 Board in 2013 from this same subdivision. In
19 fact, approved it, I think I remember that
20 particular case, it had to do with a swimming
21 pool. It was either you put it on the side
22 or you put it in the back. I do recall
23 saying that when you build a beautiful home,
24 the last thing you want to do is put a pool
25 by the side. It makes it look very ugly.

0047

1 For the kind of home you want
2 to build at Mayberry Park and for the price,
3 I have friends there, I think a side swimming
4 pool would not do the home any justice at
5 all.

6 And finally the requested
7 variance will not cause an adverse impact on
8 surrounding property, property values, or the
9 enjoyment of the property of the
10 neighborhood.

11 And allowing this particular
12 applicant to build the way they have
13 requested here, will enhance and maintain the
14 property value in Mayberry subdivision, as
15 well as the other subdivisions around it.
16 And those -- and the neighbors are very glad
17 that you are leaving things the way they are
18 with the conservation of trees, rather than
19 trying to tear them down to build a beautiful
20 building.

21 As a result of the comments
22 made by the applicant's representative, the
23 documents that were submitted and what
24 additionally was submitted today, move that
25 we grant the request as requested.

0048

1 MS. GRONACHAN: Second.

2 CHAIRPERSON FERRELL: Having a
3 motion and a second, any further discussion?

4 (No audible responses.)

5 CHAIRPERSON FERRELL: Ms.
6 Pawlowski, can you call the roll, please.

7 MS. PAWLOWSKI: Member Gronachan?

8 MS. GRONACHAN: Yes.

9 MS. PAWLOWSKI: Member Ibe?

10 MR. IBE: Yes.

11 MS. PAWLOWSKI: Member Krieger?

12 CHAIRPERSON FERRELL: Yes.

13 MS. PAWLOWSKI: Member Mosteiko?

14 MR. MOSTEIKO: Yes.

15 MS. PAWLOWSKI: Chairperson

16 Ferrell?

17 CHAIRPERSON FERRELL: Yes.

18 MS. PAWLOWSKI: Motion passes

19 five to zero.

20

MR. WINDINGLAND: Thank you very
much and goodnight.

21

22

MS. GRONACHAN: I hope you enjoy
it out there. It is gorgeous. I spent a lot
of years riding horses out there. Now you
get to have a beautiful backyard.

23

24

25

0049

1

CHAIRPERSON FERRELL: Moving onto
Case No. PZ14-0062, 1705 East Lake Drive.

2

3

MS. GRONACHAN: Raise your right
hand. Do you swear or affirm that the
information that you are about to give in the
matter before you is the truth?

4

5

6

7

MR. EHLERS: I do.

8

MS. GRONACHAN: Please state your
name and spell it for our recording
secretary.

9

10

11

MR. EHLERS: My name is Gary
Ehlers. It's spelled E-h-l-e-r-s.

12

13

I am seeking to build a
second floor addition over an existing first
floor footing on a cottage that I have on
East Lake Drive.

14

15

16

17

It's basically about the same
size of the deck that you allowed me a
variance to build last year on the front of
the house. And we're building an addition in
the back. Probably eventually used as a
second bedroom.

18

19

20

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22

23

And this is -- you know, it's
going to have a new roof and new siding and
everything with it, so I guess that's really

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1

all it is.

2

CHAIRPERSON FERRELL: All set?

3

MR. EHLERS: I am.

4

CHAIRPERSON FERRELL: Anybody in
the audience have any questions or comments
pertaining to this case?

5

6

7

(No audible responses.)

8

CHAIRPERSON FERRELL: Anything
from the city?

9

10

MR. BOULARD: Mr. Chairman, this
is a fairly typical situation where you have
got a small lot up near the lake. This house
is across from the lake, I believe.

11

12

13

14

I did have one question for
the applicant, if you could.

15

16

The plan currently shows an
existing shed, which is non-compliant in that
it's fairly close to the existing building.

17

18

19

Is the intent to move that
shed or right now we have got it advertised
to include the variance for the shed to

20

21

22 remain there, if you didn't do it. But if
23 you were planning on moving it 10 feet away,
24 that variance would not be required.

25 MR. EHLERS: I wasn't planning on
0051
1 doing anything with the shed. It's been
2 there and I was going to leave it there for
3 now.

4 MR. BOULARD: Fair enough. I
5 will be happy to stand by for any questions.

6 CHAIRPERSON FERRELL: Any
7 correspondence?

8 MS. GRONACHAN: There were 32
9 letters mailed, two returned, one approval
10 from an Elizabeth and Mark Adams at 1721 East
11 Lake Street, without comments.

12 CHAIRPERSON FERRELL: Thank you.
13 Open it up to the board for discussion.

14 MR. MOSTEIKO: Is this your
15 primary residence or like a vacation house?

16 MR. EHLERS: Well, it started out
17 as a vacation home but now it's my primary
18 residence. I had a larger house on Broadmoor
19 Park that I would say all my kids are gone.
20 We ended up selling it. We had -- we bought
21 this maybe a year -- back in 2011 as a
22 cottage. But now since our kids are grown up
23 and we are kind of turned into a cottage, we
24 kind of like this to maybe be our house until
25 we decide what we want to do when we grow up.

0052
1 Right now this is -- we are
2 spending the money trying to make it look
3 nice.

4 MR. MOSTEIKO: My other question
5 is, the house was originally built for that
6 certain amount of square footage, certain
7 amount of support structurally.

8 What type of diligence did
9 you do as far as architectural design for,
10 you know, the original building supporting
11 and increased weight load, increased size of
12 the addition that you propose?

13 MR. EHLERS: We had it checked by
14 a licensed builder and submitted that. It's
15 on a 12-inch by 42-inch foundation. The
16 existing structure. And the architect that I
17 hired that sent the plans in, I would guess
18 that other than that, it's on an existing
19 foundation just going up. I'll have to put a
20 new roof on it obviously and I'll probably
21 have to reside the whole cottage.

22 MR. MOSTEIKO: You say you're
23 going to be doing this. Is this -- are you a

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contractor -- are you a carpenter?
MR. EHLERS: No. The licensed

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builder that did my deck last fall, Lakeside Construction, would be the one that's going to be doing it. And I've got a mechanical contractor that is going to do the heating and air conditioning and plumbing. So I'm dealing with licensed people.

MR. MOSTEIKO: Okay.

CHAIRPERSON FERRELL: Anybody else or do I hear a motion?

10
11

MS. GRONACHAN: I will do the motion.

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19

In Case No. PZ14-0062, at 1705 East Lake Drive, I move that we approve the requests that the petitioner has set forth before this board, based on the requests of the variances, regarding the four foot reduced aggregate sideyard setback of 12 feet and a reduced rear yard setback of 28 feet.

20
21
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25

There are unique circumstances and physical conditions of this property, such as narrowness, shape, topography and similar conditions, and that the need for the variance is not due to the applicant's personal or economic difficulty.

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The need is not self-created, as the petitioner so stated. This is a permanent home now and he wants to improve his home and it will also increase the value and the looks of the home.

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Strict compliance of regulatory governing areas, setback, frontage height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using this property and his permanent home, and will render conformity with those regulations unnecessarily burdensome because the lot size of this particular piece of property is not wide enough and has been non-compliant up in that area, so as previously stated.

17
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The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to the other property owners in the district, and the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning districts.

0055

1

MR. IBE: Second.

2

CHAIRPERSON FERRELL: I have a motion and a second. Any further discussion? (No audible responses.)

4

5

CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll, please.

7

8

MS. PAWLOWSKI: Member Gronachan?

9

MS. GRONACHAN: Yes.

10

MS. PAWLOWSKI: Member Ibe?

11

MR. IBE: Yes.

12

MS. PAWLOWSKI: Member Krieger?

13

MS. KRIEGER: Yes.

14

MS. PAWLOWSKI: Member Mosteiko?

15

MR. MOSTEIKO: Yes.

16

MS. PAWLOWSKI: Chairperson

17

Ferrell?

18

CHAIRPERSON FERRELL: Yes.

19

MS. PAWLOWSKI: Motion passes five to zero.

20

21

CHAIRPERSON FERRELL:

22

Congratulations.

23

MR. EHLERS: Thank you.

24

CHAIRPERSON FERRELL: Recalling Case No. PZ14-0052, Pinnacle Homes, 27661

25

0056

1

Estrada Lane.

2

Please come forward and raise your right hand and be sworn in by the secretary and state and spell your name for the reporter.

3

4

5

6

MS. GRONACHAN: Do you swear or affirm to tell the truth in the matter before you?

7

8

9

MR. SANTOMAURO: I do. First name Todd, last name S-a-n-t-o-m-a-u-r-o.

10

11

CHAIRPERSON FERRELL: Go ahead.

12

MR. SANTOMAURO: First of all, I want to apologize for being a little bit late. I got tied up with a homeowner, so I apologize for keeping you guys here.

13

14

15

16

I do have some photos, should I put them on the --

17

18

CHAIRPERSON FERRELL: Yes, put them up there.

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MR. SANTOMAURO: The last time we had come up, we didn't have any pictures to kind of show you. This time we have got a couple of pictures, I will leave that one up so you guys can take a look here.

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But this awning, there was

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some concerns last time that it was just a --

2 kind of flat without any protection.
3 So this picture slightly
4 shows, you can see it is covered, which helps
5 with rain so forth, then the other picture I
6 will show up shortly, once you guys are done
7 with this one, will give a little bit better
8 shot of the depth of it as well.
9 So in addition to protecting
10 from the rain and snow and so forth and
11 possible ice up top, so it doesn't hit
12 customers, it does help us show customers
13 where the model location is, so it doesn't
14 just become a residential home. So we can do
15 business out of this model.
16 CHAIRPERSON FERRELL: Is that it?
17 MR. SANTOMAURO: Yes. Would you
18 like me to put the other photo up, too?
19 CHAIRPERSON FERRELL: Yes, if you
20 got it, you might as well.
21 Anybody in the audience?
22 (No audible responses.)
23 CHAIRPERSON FERRELL: Seeing
24 none, since there is nobody here.
25 Anything from the city?
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1 MR. BOULARD: Nothing to add.
2 CHAIRPERSON FERRELL: Any
3 correspondence?
4 MS. GRONACHAN: There were 19
5 letters mailed, 17 letters returned, no
6 approvals, no objections.
7 CHAIRPERSON FERRELL: Open it up
8 to the board for discussion.
9 MR. MOSTEIKO: Question. All
10 right. Once all the homes are sold in the
11 area, is this awning going to stay up?
12 MR. SANTOMAURO: Absolutely not.
13 We will convert the garage back to normal per
14 codes and we would remove that sign
15 completely.
16 MR. MOSTEIKO: Perfect. Do you
17 have an estimated timeline? I mean, I know
18 you can't forecast how many sales you are
19 going to get exactly, but just ballpark
20 estimate how long would you say it would take
21 to sell the entire subdivision?
22 MR. SANTOMAURO: That community
23 we have been selling through pretty quickly
24 fortunately. We have got another phase
25 that's coming up there. I would estimate,
0059
1 roughly two years.
2 MR. MOSTEIKO: Just so we can say
3 on the record, in your best estimate, in two

4 years all homes are sold, how long after that
5 two years would that awning sign be down?

6 MR. SANTOMAURO: This particular
7 model, once we were sold out, we wouldn't
8 have any use for the model anymore. So we
9 would immediately take that down and convert
10 that garage.

11 So it would be really upon
12 selling, probably not even the last home,
13 probably be the last -- down to the last ten
14 homes, so then we would pull that out
15 completely.

16 MR. MOSTEIKO: Perfect. What
17 percentage have you -- of the subdivision
18 have you sold already?

19 MR. SANTOMAURO: Right. I would
20 say roughly we're probably at about
21 60 percent.

22 MR. MOSTEIKO: I got it. Say one
23 final question. How do you suppose that
24 having a sign would affect sales if you're
25 already doing such a successful business?

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1 You've sold 60 percent, you expect to sell
2 everything in two years. Tell me just in
3 your words why having this sign up would
4 boost sales significantly.

5 MR. SANTOMAURO: Well, the sign
6 has actually been up, you know, since it's
7 already installed.

8 So it would make it very --
9 if we took the sign down completely, it would
10 make it very difficult for customers to even
11 locate us, to even know where the model is.
12 Because normally we are right at the front,
13 like the very front. But this particular
14 community that we have, we are off to the
15 left side slightly, and without putting
16 anything up, I mean, it would really blend in
17 completely. It would be very difficult to
18 have customers find us.

19 MR. MOSTEIKO: Okay. So now I
20 have a question for the city.

21 They have already, you know,
22 gone outside of what the zoning has approved,
23 you know, they already have this awning sign
24 and we haven't approved this awning sign.
25 Like what is there -- is there any type of

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1 repercussion, like oh, they did something.
2 They're asking approval as opposed -- you
3 know, after they have already put a sign up.

4 MR. BOULARD: In this situation,
5 I believe the reason that they are here is we

6 put them on notice that they did not have the
7 appropriate approval. This is the remedy.

8 MR. MOSTEIKO: All right. That's
9 all the questions I have. Thank you.

10 CHAIRPERSON FERRELL: How long
11 has this sign been up?

12 MR. SANTOMAURO: It was up before
13 I started with the company. I'm not certain
14 exactly. I would say it's -- I would say
15 roughly a year. I'm not exactly certain.

16 I can find that out, but I
17 would say it's been up for quite sometime.

18 It's normally a sign we put
19 in any of our communities. A lot of times it
20 doesn't require permanence.

21 CHAIRPERSON FERRELL: It does
22 not?

23 MR. SANTOMAURO: Yes, it does
24 not. A lot of times with a lot of the
25 communities, it does not.

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1 CHAIRPERSON FERRELL: What city
2 is that?

3 MR. SANTOMAURO: Canton, for
4 instance, Northville as well. Commerce.

5 CHAIRPERSON FERRELL: As you know
6 we are a little stricter in Novi.

7 MR. SANTOMAURO: Absolutely. We
8 certainly want to abide by the --

9 CHAIRPERSON FERRELL: My comment
10 is kind of like you guys have done this
11 before. This isn't your first subdivision,
12 so you guys should have known.

13 Especially with coming in the
14 City of Novi, which I'm sure you guys have
15 more properties in Novi than just this one,
16 right?

17 MR. SANTOMAURO: We have another
18 one that came after this one, but I don't
19 know of this magnitude. We had a small
20 cul-de-sac many years ago that didn't really
21 require anything like this.

22 So if I'm not mistaken, I
23 think this is our first significant project
24 in Novi. It's similar as I mentioned, there
25 was a sign at Liberty Park, for instance,

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1 which is in Novi, that Pulte had done. Very
2 similar sign. As a matter of fact, the same
3 thing, just with their logo on it.

4 CHAIRPERSON FERRELL: Difference
5 with them, they may have applied for the
6 permit to have the sign up for the variance,
7 where you guys did not.

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MR. SANTOMAURO: Okay.

CHAIRPERSON FERRELL: Okay. Any other discussion?

MR. IBE: Yes. Do you have any other sign that says model house or to let anyone know that this is a model house, other than the awning?

MR. SANTOMAURO: We have a very small sign in front. We are very limited because of the zoning ordinance. It's probably 12 inches by 10 or 12 inches. I mean, that we put in the front.

I mean, you can really hardly read it. Normally we would have a sign that would be, you know, four or five feet by four or five feet, that we put right in front of the model to draw attention to it.

But with this situation, we

just weren't allowed to do that.

MR. IBE: The model house, is that a place where it's one of your staff, somebody is in that building, right? If I wanted to say, for example, (unintelligible) wants to buy a property in this community, they will come to the model house? Is that where they will come?

MR. SANTOMAURO: Yes, sir.

MR. IBE: That would be the place. So this model house has an address, I assume, right?

MR. SANTOMAURO: Yes, it does.

MR. IBE: So if I plug in two, three, four, five, six, seven eight it would take me there on my GPS, is that correct?

MR. SANTOMAURO: Not all the time, no. With new communities, many times, and we have actually had the issue with it, because it's a new community, sometimes GPS doesn't take you exactly there.

If I'm not mistaken in this community, we did have a problem with that.

MR. IBE: So the blue awning is what you need to attract attention to

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potential new homeowners. When you see the blue sign, that's the office?

MR. SANTOMAURO: Yes, it definitely helps, especially a lot of times, if they are just passing through, and we don't have the opportunity to have a conversation with them, if they're driving through there, they know where to go.

Also from the elements, it

10 does protect from rain. We thought it was
11 definitely a lot more tasteful to do
12 something like this, as opposed to put a
13 billboard sign or something of that nature,
14 you know, a flat sign. At least we have
15 coverage for the customers, so it's serving a
16 dual purpose.

17 MR. IBE: Now, in the picture
18 that you present to us, that -- the documents
19 you submitted. There is a sign that is next
20 to the property. Do you know where that sign
21 is?

22 MR. SANTOMAURO: There is one
23 on -- that's on the property, which is the
24 smaller sign.

25 MR. IBE: Is that the one you

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1 claim cannot be seen or read by anyone?

2 MR. SANTOMAURO: Yes. It's a
3 very small sign that's on that home site.

4 MR. IBE: You're telling me that
5 no one can read a sign that's on -- the sign
6 has your phone number and Pinnacle Homes on
7 it and has more information than what is on
8 the awning, isn't that correct?

9 MR. SANTOMAURO: They have to
10 take a look at that exact one. I was just
11 over there the other day, and roughly the
12 size of it, like I said, is about 12 by 12,
13 12 by 10, so it's not a normal situation
14 where you would have in a community to have a
15 sign that small.

16 I mean, I guess depends how
17 good your eyes are. But it's not something
18 that draws much attention to the model at
19 all.

20 MR. IBE: And do you have -- do
21 you have some residents that are already
22 residing in this subdivision now? I mean, is
23 it --

24 MR. SANTOMAURO: Yes, sir.

25 MR. IBE: Have you had any

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1 complaints regarding the bright blue awning
2 that you have over the building by any of the
3 residents over there?

4 MR. SANTOMAURO: Not one. No.
5 As a matter of fact, we've never had a
6 complaint that I'm aware of with Pinnacle in
7 any awnings in any of our subs, and in the 15
8 years that I was at another builder.

9 MR. IBE: So are you -- is it
10 your contention that without this blue
11 awning, you're not able to do business or

12 sell any of the lots? Is that what you are
13 trying to tell us?

14 MR. SANTOMAURO: It would
15 definitely hinder us. There is no doubt
16 about that. You know, I mean the alternative
17 would be a flat large sign with our logo up
18 there, but that doesn't serve as any
19 protection. I don't think it looks as nice
20 either. To answer your question that would
21 definitely hinder us if we have customers
22 driving around, they could get frustrated and
23 just leave.

24 MR. IBE: But it would not
25 prevent you from doing business, is that
0068 correct?

1 MR. SANTOMAURO: I mean, somebody
2 is going to stumble across it. You know, but
3 would it prevent us from selling a home, one
4 home, no. But would it hinder us deeply,
5 yes.
6

7 MR. IBE: I must tell you, sir,
8 that I take a strict constructionist approach
9 to some laws, and this is one of those that I
10 like -- when it comes to a sign, I'm a strict
11 constructionist when it comes to signs.

12 And what prevents Pulte
13 Homes, or other people in the area that we
14 want a pink awning on our building, this one
15 wants a yellow awning. After all, one went
16 to Pinnacle that's a light blue awning. Just
17 by the fact that you have a sign that I think
18 is quite visible to the naked eye and as to
19 that house. You're telling me that without
20 this blue awning that it will hinder you from
21 doing business, I find that hard to believe.

22 And unless I hear anything
23 other than -- otherwise from the members, I
24 am not convinced at all. And I intend to
25 maintain the strict aspect of the ordinance
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1 here, and understanding the law the way it
2 stands right now, I think you are doing very
3 well, for 60 percent so far, you don't need
4 that blue awning. I think it's just -- a
5 matter of what you guys are used to. But I
6 don't think that's what you need to sell
7 those properties. Thank you, Mr. Chair.

8 MS. KRIEGER: Question for the
9 city. Mr. Boulard, do we have any other
10 homes that are being developed that have
11 awnings with the business signs on them?

12 MR. BOULARD: Unless there were
13 ones that were approved very fairly recently

14 by this body, I'm not aware. There may be
15 some out there, but I'm not aware.
16 There may be some that have a
17 sign or have an awning without color on it,
18 or without a sign on it, but I'm not aware of
19 something similar to this. Unless it's on a
20 sales trailer.
21 MS. KRIEGER: Thank you.
22 CHAIRPERSON FERRELL: Anybody
23 else?
24 MS. GRONACHAN: Good evening.
25 It's me again. We didn't get along so well

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1 the last time you were here. As a matter
2 fact, you wanted to table it for a full
3 board, if I remember correctly.
4 I am a long time resident in
5 Novi. I take a great deal of pride in this
6 city. And I say that because when you
7 presented your case two months ago, there
8 were some things in the testimony that you
9 stated.

10 But one of the things that
11 you didn't state is that this sign has been
12 up for a year. Had I known that the other
13 night, or two months ago, as the other board
14 members, would have heard, because some of
15 them aren't here tonight, we were ready to
16 vote that night, I would have really voted
17 that night.

18 To go ahead and come into a
19 city such as Novi and to operate breaking the
20 rules, and then coming in and asking for
21 forgiveness, I don't get it. But I'm not a
22 business, I'm a resident, and I try to follow
23 the rules.

24 I don't like fact that you
25 guys put this up a year before and then got

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1 caught, then you're coming in here.
2 I don't appreciate the fact
3 that it is presented that Novi is a hard
4 city. We are not. We are a great city. And
5 we work well with our business partners and
6 we respect them. We respect Pinnacle and we
7 respect every other subdivision in this city
8 and we work very hard with them.

9 I will not be supporting your
10 request tonight for the reasons that I
11 stated, your previous testimony, and your --
12 and Pinnacle's opinion that they could come
13 in and break the rules, and then come in and
14 ask for forgiveness. We do whatever we can
15 to help and support these businesses. We

16 welcome them with open arms in the city,
17 especially with the difficult economic times
18 that Michigan has experienced, and that
19 they're coming back.

20 But given that on your
21 previous testimony and tonight, I will not be
22 supporting this. Thank you.

23 CHAIRPERSON FERRELL: Thank you.
24 I'd like to add that I echo the fellow board
25 member as well in not supporting this

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1 decision.

2 MR. SANTOMAURO: If I can say one
3 thing. If we knew we were in violation,
4 again, this is before I started with
5 Pinnacle, it was not something that we would
6 have done, if we knew we were in violation.
7 It wasn't anything to defy, as we seem to --
8 you know, to be stating. It's not anything
9 that was done intentional. We just weren't
10 aware. So if it's not going to go --
11 obviously, we are not going to be able to
12 keep it, we will obviously take it down and
13 we will put something that will conform up.

14 CHAIRPERSON FERRELL: Thank you.

15 MR. MOSTEIKO: One last comment I
16 think I have.

17 You have already kind of
18 maybe burned a bridge or two here from your
19 previous, you know, testimony.

20 But I think a better approach
21 to do it, to come across and get approval of
22 the ZBA would be, okay, two months ago, you
23 knew that you had to come through and get an
24 approval for a variance for an awning sign.

25 When you know you are in

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1 violation of law, you stop violating the law.
2 I mean, this is a simple ordinance for a
3 sign.

4 But I don't know -- I don't
5 think it would be too difficult to just right
6 then and there take the sign down, take the
7 awning down and be like okay, ZBA board, I'd
8 like to tell you, you know, we are sorry we
9 did what we did. Now that we know we are in
10 violation, we took our sign down, but now,
11 you know, we would like to make amends, we
12 would like to get the proper approval.

13 It's not asking forgiveness,
14 then kind of boldly saying, our sign is still
15 up and it's been there for a year.

16 To maybe take, you know, a
17 more humble approach, like, I apologize, I

18 didn't realize, we were, you know, not within
19 the ordinance, so we took measures to take it
20 down now I'm asking for, you know, maybe an
21 apologetic approval of this. So that's my
22 two cents.

23 MR. SANTOMAURO: I understand.

24 CHAIRPERSON FERRELL: Any further
25 discussion? Ready for a motion.

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1 MR. IBE: I will do it.

2 Thank you, Mr. Chair. In
3 Case No. PZ14-0052, Pinnacle Homes.

4 I move that we deny the
5 variance as requested by the applicant.
6 Because the applicant has not shown any
7 practical difficulty that warrants favorable
8 discretion by the board to grant it.

9 And I move that we deny it
10 for the following specific reasons.

11 One, the circumstances and
12 features of the property are not unique
13 because they generally (unintelligible).

14 Now, this is a very reputable
15 building, Pinnacle Homes, that has been in
16 our city for a while now, and has put up this
17 sign for more than a year prior to getting
18 the violation, and comes before us and claims
19 that the sign obviously is something that
20 they have used in other communities without a
21 problem.

22 But I think for a
23 sophisticated building such as Pinnacle, I
24 think they know what the rules are in the
25 communities that they build in, and I find it

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1 very hard to believe that they did not know
2 about the ordinance in the City of Novi when
3 they put it up. That for me, is something
4 that I think I found not to be credible.

5 Second, the circumstances or
6 features of the property relating to the
7 variance request are self-created.

8 Now, the applicant
9 representative tells us that this Pinnacle
10 sign allows them to sell properties. And
11 that, in fact, they have sold about
12 60 percent of the lots in this subdivision.

13 The sign, the awning is not
14 what is selling it. It's the fact that, one,
15 it's a great neighborhood, the City of Novi,
16 which we all love. Two, that they have great
17 homes, Pinnacle builds beautiful homes. And
18 they also have a sign. Pinnacle has a sign
19 on this property. So there is multiple signs

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on this particular property. The awning, as well as a sign that is for the (unintelligible).

The applicant's representative obviously claims that the sign is not visible. Well, I also find that hard

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to believe because you can clearly read what's on the sign. The sign has more letters, including the phone number, on that sign that tells a will-be resident what number to call, if their desire is showing of that model property.

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Third, the failure to grant relief will result in mere convenience or inability to attain higher economic or financial return based on the petitioner's statements.

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And four, the variance will result in interference with adjacent or surrounding properties.

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Well, there are other builders in the City of Novi, and I'm quite sure that before they build they understand what the city requires, very simply, that we prohibit awnings in residential places. And that being known, if we were to grant this, and start a presence, this way we might go down an avenue that is not designed for the audience, in other words. Other builders will come in here and want a purple sign, a blue sign, a green sign, a neon sign. You

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know, once you go down that way, that road is difficult to reverse and we would like to be consistent and fair to all who appear before this board.

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And finally, granting the variance will be inconsistent with the spirit and intent of the ordinance.

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The ordinance is very clear. The language is not ambiguous. It is as simple, and if the applicant had consulted with the building department in the city, they would have known clearly well that Section 28-10 prohibits awnings and signs within our (unintelligible).

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Unfortunately, based on this and based on the applicant's own statements, with prior visits to this board, and the documents submitted, the contributions made by fellow members today, I move that we deny the request.

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MS. GRONACHAN: Second.

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CHAIRPERSON FERRELL: A motion
and a second, any further discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing

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none, Ms. Pawlowski, can you call the roll,
please.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Mosteiko?
MR. MOSTEIKO: Yes.
MS. PAWLOWSKI: Chairperson
Ferrell?

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CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Motion passes
five to zero.
MR. IBE: Thank you. Sorry.
CHAIRPERSON FERRELL: Moving onto
other matters. The city, yes?
MS. GRONACHAN: Happy New Year.
Welcome back. You did a great job.

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I have a suggestion or maybe
I have a request and maybe somebody can come
up with a suggestion. Now that we are
working with these Ipads, and when we have a
case that's become before us two months prior

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and now they are coming back, to have those
minutes or that paperwork of the previous
testimony in with the new packet.
Now, in most cases, since I
have been back, it really hasn't been an
issue, but like tonight, there was some
things that were said in the previous
testimony. And it's not that easy on the
Ipad to go searching through back to two
months ago for the testimony in the minutes.

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Does somebody have some
suggestions, or am I doing something wrong?
MS. KRIEGER: Wouldn't it have to
be approved first, or we can just get it in
the minutes?
MS. GRONACHAN: What would have
to be approved?
MS. KRIEGER: We need to approve
the minutes.

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CHAIRPERSON FERRELL: At least we
would have them, I guess, if they weren't
approved. Just so we know what the comments
would be.

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MR. BOULARD: I think we would label it as draft.

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MR. IBE: If it's not going to be unduly burdensome, I mean --

MS. GRONACHAN: I don't think it happens that often, it's just that when we have somebody up here -- especially if other people have missed the meeting. Even though when you read it, and when you are here and you are hearing it, it's different -- then trying to go back to capture what was said before.

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I think it's important to have -- I don't know if we need the whole 120 pages. I mean, just what pertains to that.

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MR. BOULARD: If I'm understanding, you don't want to have to look through the whole thing.

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MS. GRONACHAN: Yes, I was like, wait a minute, I know I've got them somewhere.

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MR. BOULARD: Assuming there may be the rare occurrence where, you know, meetings are closer together where we wouldn't have them back, but barring that, I think we could we do that.

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MS. GRONACHAN: Thank you. I

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appreciate that.

CHAIRPERSON FERRELL: How about a cappuccino machine, can we get one of those, too?

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MR. BOULARD: I'll be happy to ask for it in the budget.

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CHAIRPERSON FERRELL: I would like to welcome Matt to the board.

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MR. MOSTEIKO: Surprisingly I'm not nervous at all. I felt really comfortable.

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I've read through other cases in the past. I have looked through the minutes online. And I find a lot of these cases just really interesting. I don't know if that makes me a nerd, but I just think it's interesting.

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MS. GRONACHAN: You're in good company.

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MR. MOSTEIKO: I don't want to call it skeptic, when somebody just gives me a story, I don't always take it as face value. I want to find out some more details. I think I asked some pretty good questions tonight, and definitely sparked up other

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1 conversations. So I feel like I'm already
2 contributing.

3 CHAIRPERSON FERRELL: Definitely
4 welcome.

5 MS. GRONACHAN: You took the
6 words out of my mouth. You get an A plus for
7 tonight.

8 CHAIRPERSON FERRELL: Anything
9 else?

10 MR. BOULARD: Couple things. One
11 of the things that was added to the Dropbox,
12 Ms. Pawlowski added, the City of Novi
13 embarked quite a while ago on a project to
14 reformat the zoning ordinance. And you
15 should have a copy of that in the Dropbox
16 waiting for you that you can download and
17 have available.

18 It has links that allow you
19 to jump to different parts of it, or lack of
20 anything else, it has really nice colors and
21 nice drawings that hopefully explain things,
22 makes things really easy to understand for
23 everyone.

24 We are hoping that it will
25 make it much easier for resident users,

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1 everybody to understand.

2 So if you want to take a look
3 at that in your spare time.

4 One of the other things, I
5 haven't talked to the planning commission
6 yet, but you should be hearing from us at
7 some point in the fairly near future, we
8 would like to put together a training session
9 maybe some evening with dinner like we did
10 last year at the library with --

11 MS. SAARELA: Maybe not a joint
12 one this time, maybe more ZBA oriented, maybe
13 a separate one.

14 MR. BOULARD: At this point we
15 were thinking it would be joint because we
16 wanted to have -- the goal would to be the
17 city manager there, have some time with him.
18 Do a very brief description of, you know,
19 what the various duties are of the boards.
20 Then have our consultant come in and walk you
21 through how to use the ordinance so you could
22 get the best and easiest use out of it.

23 It's tentative right now.
24 That's a thought, but we will be -- our
25 intent is to send something out.

0084

1 MS. GRONACHAN: So two meetings

2 then, one for the just the ZBA then one for
3 the ZBA and the planning?
4 MR. BOULARD: We will talk about
5 that.
6 MS. GRONACHAN: You will miss us.
7 MR. BOULARD: Yes, we will miss
8 you.
9 MS. GRONACHAN: In our packet
10 there was a thing for a training session,
11 which I already seem to have lost, for
12 March 5th. But it doesn't have the time on
13 there. Am I missing something? Does anybody
14 by chance know? Am I missing something on
15 ZBA beyond the basics.
16 MS. KRIEGER: Kalamazoo?
17 MS. GRONACHAN: No, Lansing.
18 There is no time on it.
19 MS. KRIEGER: Is it an all day
20 thing?
21 MR. BOULARD: I believe it is. I
22 will find out. We will shoot out an email.
23 If you would like to go, you want to register
24 and you can you reimbursed or we can take
25 care of the registration and handle that. If

0085

1 you give us the information.
2 Having taken a part in some
3 of these, they are really good.
4 MS. GRONACHAN: If you check on
5 the time, if you let me know what the date is
6 that we have -- it says on top, complete one
7 form per registrant, all rates include light
8 dinner. So if this is Lansing at 6:00 at
9 night.
10 MR. MOSTEIKO: It says 5:00 p.m.
11 to 8:00 p.m. on the front page.
12 MS. GRONACHAN: Okay.
13 CHAIRPERSON FERRELL: Any other
14 discussion?
15 (No audible responses.)
16 CHAIRPERSON FERRELL: Motion to
17 adjourn?
18 MR. IBE: So moved.
19 MS. GRONACHAN: Second.
20 CHAIRPERSON FERRELL: Motion and
21 second, all in favor say aye.
22 THE BOARD: Aye.
23 CHAIRPERSON FERRELL: Any
24 opposed?
25 (No audible responses.)

0086

1 CHAIRPERSON FERRELL: We are
2 adjourned.
3 (The meeting was adjourned at 8:30 p.m.)

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1 STATE OF MICHIGAN)
2) ss.
3 COUNTY OF OAKLAND)

4 I, Jennifer L. Wall, Notary Public within and for the
5 County of Oakland, State of Michigan, do hereby certify that the
6 witness whose attached deposition was taken before me in the
7 above entitled matter was by me duly sworn at the aforementioned
8 time and place; that the testimony given by said witness was
9 stenographically recorded in the presence of said witness and
10 afterward transcribed by computer under my personal supervision,
11 and that the said deposition is a full, true and correct
12 transcript of the testimony given by the witness.

13 I further certify that I am not connected by blood or
14 marriage with any of the parties or their attorneys, and that I
15 am not an employee of either of them, nor financially interested
16 in the action.

17 IN WITNESS THEREOF, I have hereunto set my hand at the
18 City of Walled Lake, County of Oakland, State of Michigan, this
19 30th day of January 2015.

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Jennifer L. Wall CSR-4183
Oakland County, Michigan
My Commission Expires 11/12/15